

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DIST. COURT  
BRUNSWICK DIV.

2005 MAY 26 1 A 11:00

CLERK *L. Salvatore*  
SO. DIST. OF GA.

REGINALD GALLAGHER,

Plaintiff,

v.

CIVIL ACTION NO. CV204-184

ROBERT McFADDEN, Warden;  
Assistant Warden RUIZ; T. ELLIS,  
Health Services Administrator, and  
Dr. BURGOS,

Defendants.

**ORDER**

Plaintiff, an inmate at the Federal Correctional Institution in Jesup, Georgia, filed this action on December 6, 2004. As Plaintiff appeared to be indigent he was permitted to proceed in forma pauperis, and advised of the requirements of the Prison Litigation Reform Act. Following the requisite frivolity review, the Court directed service of the complaint, as amended, upon the Defendants. By Order dated February 24, 2005, the Court directed Plaintiff's custodian to set aside 20 percent of the preceding month's deposits to Plaintiff's Trust Fund Account and forward those funds to the Clerk to satisfy Plaintiff's obligation to pay the filing fee. That Order contained a scrivener's error in that it stated that the total filing fee is \$250.00<sup>1</sup>. That portion of the February 24, 2005 Order is corrected to read that the filing fee is \$150.00. Plaintiff is responsible for payment of the \$150.00 filing fee.

Plaintiff has now filed a motion asking that he be permitted to pay the filing fee on his own as opposed to the Court directing his custodian to set aside fees from Plaintiff's Trust Account and then paying those fees over to the Clerk. (Doc. 21.) Plaintiff states that he fears "some sort of retaliation . . . for filing his civil complaint against others (sic) staff

<sup>1</sup> The filing fee in United States District Court increased to \$250.00 for cases filed on or after February 7, 2005.

members . . . ." Plaintiff has since moved to dismiss this complaint, without prejudice. On March 28, 2005, the Court granted his motion and closed this case. After review of Plaintiff's instant motion, the same is **DENIED**.

A copy of this Order shall be served upon the parties and Plaintiff's current custodian.

**SO ORDERED**, this 26<sup>th</sup> day of May, 2005.

  
JAMES E. GRAHAM  
UNITED STATES MAGISTRATE JUDGE

**United States District Court**  
***Southern District of Georgia***

GALLAGHER  
\_\_\_\_\_ )

vs )

MCFADDEN, ET AL  
\_\_\_\_\_ )

CASE NUMBER CV204-184

DIVISION BRUNSWICK

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 5/26/05, which is part of the official record of this case.

Date of Mailing: 5/26/05

Date of Certificate ☒ same date, or \_\_\_\_\_

Scott L. Poff, Clerk

By: \_\_\_\_\_

Sherry Taylor, Deputy Clerk

Name and Address

Reginald Gallagher, 20174-001, FCI Jesup, 2680 Highway 301 S, Jesup, GA 31599

- ☐ Copy placed in Minutes  
☐ Copy given to Judge  
☒ Copy given to Magistrate